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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,319	08/21/2001	Luis Alberto Commisso	1.856.99	7992
7590 10/08/2003			EXAMINER	
MALLOY & MALLOY, P.A.			DONNELLY, JEROME W	
Historic Coral Way 2800 S.W. Third Avenue Miami, FL 33129			ART UNIT	PAPER NUMBER
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Mailli, FL 33	1129		3764	1
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Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Office Action Summary Application No. And Unit Examiner Jarone W Donnelly 3764 AT Unit Art Unit And U				&	ΛΥ		
## Examiner Art Unit Jerome W Donnelly 3764 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE			Application No.	Applicant(s)	1,175		
Examiner			09/93431	9 Commi	672		
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Etherwise of team reply be suitable under the provisions of 3°CFR 1.35(a), in no event, however, may a reply be timely filed Etherwise of team reply a suitable under the provisions of 3°CFR 1.35(a), in no event, however, may a reply be timely filed If the period for reply signed above is listed shear bits (30) days, a reply white the stability primitive manual transport of the period for reply within the set or estanded profit of brighy will, by adultion, groups and well expired. (30) MONTHS from the mailing date of this communication is primitive to reply within the set or estanded profit of brighy will, by adultion, groups and well expired (30) MONTHS from the mailing date of this communication. Finally will be set or estanded profit of the profit of the communication of the comm			ication appears on the cover she	et with the correspondence	address		
THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be waited under the provisions of 3 CFR 1.13(6). In no event, however, may a nepty be timely filled after SIX (6) MONTHS from the mailing date of this communication. If NO perdod to reply is specified under the provision of the priority documents have been received. 10 The proposed drawing correction filed on		• •		1			
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: allowed or blook beheld in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: allowing approved blook by the Examiner. f approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3 Copies of the cartified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 10 Notice of References Cited (PTO-982) 20 Notice of Informal Patent Application (PTO-152)	THE M - Extens after S - If the p - If NO - Failure - Any re eamed	IAILING DATE OF THIS COMMUNI sions of time may be available under the provisions SIX (6) MONTHS from the mailing date of this commorated for reply specified above is less than thirty (3 period for reply is specified above, the maximum state to reply within the set or extended period for reply ply received by the Office later than three months a	CATION. of 37 CFR 1.136(a). In no event, however, munication. 0) days, a reply within the statutory minimum atutory period will apply and will expire SIX (6 will, by statute, cause the application to beco	nay a reply be timely filed of thirty (30) days will be considered tin) MONTHS from the mailing date of this me ABANDONED (35 U.S.C. § 133).			
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This application contains claims directed to the following patentably distinct species of the claimed invention: Group 1, Claims 1-11, directed toward a device having no drive assembly. Group 2, Claims 12-20, directed toward a device having a drive assembly

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 21-23 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

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the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Claims 21-23 will be examined with both groups.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

A telephone call was made to Peter Mattos on 9-29-03 to request an oral election to the above restriction requirement, but did not result in an election being made.

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number 308-2668.

Donnelly/DI

October 1, 2003